

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARITA DUNCAN,

Defendant.

)
)
)
)
)
)
)
)
)
)

CASE NO. 8:10CR117

ORDER

This matter is before the Court on the Defendant's unopposed motion to continue sentencing (Filing No. 44).

The Defendant moves to continue his sentencing hearing in light of the recent legislation reducing penalties for crack cocaine offenses and specifically with respect to the issue of retroactivity. The Defendant requests additional time to object to the PSR on this basis and to brief the issue of retroactivity. The motion to continue sentencing will be denied. However, if the Defendant is aware of any persuasive Eighth Circuit legal authority that the new provision is retroactive, defense counsel may file a sentencing memorandum including such authority on or before November 19, 2010.

IT IS ORDERED that the Defendant's motion to continue sentencing (Filing No. 44) is denied.

DATED this 17th day of November, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge